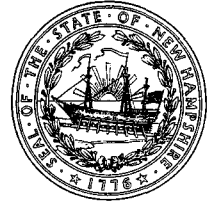




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

June 6, 2006

**CERTIFIED MAIL**  
**7000 1670 0001 2907 7036**  
**RETURN RECEIPT REQUESTED**

**LETTER OF DEFICIENCY**  
**No. WMD 06-013**

Frank Thomas, Director  
City of Manchester  
Highway Department  
227 Maple Street  
Manchester, NH 03103

and

Jim Hoven, Assistant Director  
City of Manchester  
Traffic Department  
480 Hayward Street  
Manchester, NH 03103

**Re: City of Manchester**  
**EPA ID # NHD980671598**

Dear Mr. Thomas and Mr. Hoven:

On April 10, 2006, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the City of Manchester's Highway Department and Traffic Department ("Manchester"). The Highway Department and the Traffic Department are on contiguous property and share an EPA identification number; therefore, the inspection included both departments. The purpose of the inspection was to determine Manchester's compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

1. RSA 147-A:5, III - Hazardous Waste Coordinator Requirements

At the time of the inspection, Manchester did not have a New Hampshire Hazardous Waste Coordinator currently certified by DES.

RSA-147:A5, III requires each hazardous waste generator that generates more than 220 pounds of hazardous waste per month to have on staff at the facility where the hazardous waste is generated, a hazardous waste coordinator certified by the department. Initial certification shall be valid for one year and may be renewed for subsequent one-year terms.

James Masson was certified by DES as a New Hampshire Hazardous Waste Coordinator on September 10, 2003, and the certification was renewed on December 9, 2004. However, as stated above, initial certification is valid for one year and may be renewed for subsequent one-year terms. Manchester has failed to have a New Hampshire Certified Hazardous Waste Coordinator from December 9, 2005 to the present.

DES requests that Manchester:

- a. Ensure that it has at least one (1) employee on-site who is a New Hampshire Certified Hazardous Waste Coordinator;
- b. Schedule a facility representative to attend a Hazardous Waste Coordinator Certification training class; and
- c. Include with Manchester's response to this letter the arrears payment of \$200 per year (\$125 for the certification program fee and \$75 for the course) due the state for the Hazardous Waste Coordinator Certification missed since December 9, 2005 to the present to make the state whole.

2. Env-Wm 502.01 – Hazardous Waste Determination

At the time of the inspection, DES confirmed that Manchester had not performed a hazardous waste determination for the waste fluorescent lamps generated at the facility. DES also verified that the waste fluorescent lamps were routinely disposed of as a solid waste.

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requested that Manchester perform an adequate hazardous waste determination for the waste fluorescent lamps generated at the facility. Alternatively, DES personnel suggested that Manchester manage its waste fluorescent lamps as "universal waste" in accordance with Env-Wm 1100. Enclosed please find the DES Environmental Fact Sheets #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters", as well as a DES "Fluorescent Lamp and Ballast Recycling Facility" list to aid you with the determinations.

*In an April 19, 2006 email, Denise Boutilier, Administrative Services Manager,*

*Manchester Traffic Department stated that Manchester will ensure that waste fluorescent lamps are recycled. No further action is required.*

3. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, the emergency posting next to the telephone, nearest to the Traffic Department's hazardous waste storage area, failed to document the home and office telephone numbers of the emergency coordinators and the location of fire extinguishers, spill control material, and alarms.

Env-Wm 509.02(b) requires that full quantity generators post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- a. The emergency coordinators (home and office);
- b. The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- c. The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Manchester post the required information at the nearest telephone to the hazardous waste storage area.

*In the April 19, 2006 email, Denise Boutilier stated that the emergency coordinator contact information and the location of the emergency equipment were added to the emergency posting. No further action is required.*

4. Env-Wm 509.03(d) and 507.01(a)(3)– Satellite Storage

During the inspection, DES personnel observed an aerosol can puncturing unit in the Highway Department storage area. The unit collects ignitable hazardous wastes from punctured aerosol cans and is equipped with a carbon filter to capture volatile organic compounds that may be displaced during puncturing. The 55-gallon container was not closed because the carbon filter was not removed and replaced with the bung when the system was not in use.

Env-Wm 509.03(d), which references Env-Wm 507.01(a)(3), requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added to or removed from the containers.

DES requested that Manchester ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers. Specifically, the carbon filter on the aerosol puncturing unit should be removed and replaced with the bung when the system is not in use.

*In the April 19, 2006 email, Denise Boutilier stated that "the aerosol filter has been removed and replaced with a new filter" and "The container is now kept closed when not in use." No further action is required.*

DES believes the remaining portion of the cited deficiencies can be corrected and **a report describing the corrective measures taken by Manchester can be submitted within thirty (30) days of receipt of this letter.** Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Manchester including issuing an order requiring that the deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may re-inspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Robert Bishop, Waste Management Specialist  
DES/WMD  
P.O. Box 95  
Concord, NH 03302-0095

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This report may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact Robert Bishop, or Tod Leedberg, RCRA Compliance Supervisor at 271-2942. Thank you for your cooperation.

Sincerely,



John J. Duclos, Administrator  
Hazardous Waste Compliance Bureau  
Waste Management Division

cc: DB/RCRA/LOD/Archives  
Anthony P. Giunta, P.G., Director, WMD/ Paul L. Heirtzler, P.E., Esq., Administrator, WMP, WMD  
Gretchen Hamel, Administrator, DES Legal Unit  
Denise Boutilier, Administrative Services Manager, City of Manchester Traffic Department, 480 Hayward St., Manchester, NH 03103  
Kevin Sheppard, Assistant Director, City of Manchester Highway Department, 227 Maple St., Manchester, NH 03103

ec: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report  
DES Environmental Fact Sheets #WMD-HW-7 "Universal Waste Lamps: Management Requirements for Handlers and Transporters"  
DES "Fluorescent Lamp and Ballast Recycling Facility" list